IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 2753 of 2006(C)

PETITIONER:

K. KAMALAKSHY, AGED 56 YEARS,
W/O. SOMAN, JATHIKATTU HOUSE,
CHANNANIKKADU POST, PANACHIKKADU VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.P.KURUVILLA JACOB

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOTTAYAM.

2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCEITY (GENERAL), CHANGANACHERRY.

3. THE PRESIDENT, VAZHAPPALLY PANCHAYATH PATTIKAJATHI SERVICE CO-OPERATIVE SOEITY LTD.NO.K 734, CHEERANCHIRA POST, CHANGANACHERRY.

BY GOVERNMENT PLEADER SRI.P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).2753/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE THIRD RESPONDENT'S ORDER DATED 29.4.1998 ISSUED TO PETITIONER.

EXT.P2- TRUE COPY OF JUDGMENT DATED 9.11.2005 INO.P.12073/1999 OF THE HON'BLE HIGH COURT.

EXT.P3- TRUE COPY OF JUDGMENT DATED 20.1.2005 IN O.P.1495/03 OF THE HON'BLE HIGH COURT.

EXT.P4- TRUE COPY OF THIRD RESPONDENT'S ORDER DATED 31.3.2005 COMMUNICATED TO PETITIONER.

EXT.P5- TRUE COPY OF PETITIONER'S COMPLAINT DATED 25.11.2005 SUBMITTED BEFORE 1ST RESPONDENT.

EXT.P6- TRUE COPY OF PETITIONER'S REGISTERED LETTER DATED 2.1.2006 FORWARDED TO 1ST RESPONDENT

EXT.P7- TRUE COPY OF 3RD RESPONDENT'S LETTER DATED 13.1.2006 COMMUNICATED TO PETITIONER'S

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 2753/2006

Dated this the 19th day of December, 2006

JUDGMENT

The writ petitioner retired from the third respondent, Co-operative Society, on 31.12.2005. The learned counsel submits that the writ petitioner had not received any salary from 1.1.1995 till retirement. There had been some proceedings initiated against the petitioner and the counsel submits that the said proceedings had been set aside, as per Ext.P2 judgment of this Court dated 9.11.2005. The records also show that, as per the judgment dated 20.1.2005 in O.P.No.14951/2003, this Court had endorsed the award passed by the Arbitrator directing to realise, by sale of the assets of the society, towards the arrears of the salary, due to the writ petitioner. Therefore, the Secretary and President of Vazhappally Panchayath Pattikajathi Service Co-operative Society and the Inspector of Co-operative Societies, Changanacherry, were directed to take steps to disburse

the amounts due to the writ petitioner, realising the same from the assets of the society. Two months time was also fixed from the date of the judgment.

2. The grievance of the petitioner even now is that despite the repeated directions of the High Court of Kerala and the pendency of the Con.C. No.1145/2005, no action had so far been taken. The counsel also submits that the undertaking, during the Contempt Court proceedings, that they would pay the salary to the writ petitioner, was also not complied with.

3. Ext.P5 is a representation dated 25.11.2005 addressed to the Joint Registrar of Co-operative Societies, Kottayam. It is the complaint of the writ petitioner that the same is pending even now without any steps having been taken to pay the arrears of salary due to the writ petitioner.

4. In view of the above situations, I direct the first respondent, the Joint Registrar of Co-operative Societies, Kottayam, to, immediately, hear the writ petitioner as well as the third respondent, Co-operative

Society, and pass orders on merit, releasing the entire amounts that are due to the writ petitioner. If the amounts are not readily available with the Society for release, the Registrar shall take further steps, through the sale of the assets of the third respondent, Society, and shall ensure that the salary and other benefits due to the writ petitioner is paid. This shall be done within two months from the date of production of the copy of this judgment by the writ petitioner.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs